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ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REHABILITATION PLAN FOR THE PROPERTY LOCATED AT 537-543 BROADWAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 189, LOT 24 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the “**City**”), a public body corporate and politic of the State of New Jersey (the “**State**”), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), to determine whether certain parcels of land within the City constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, the Municipal Council of the City (the “**Municipal Council**”) adopted Resolution No. 98-02-04-040, designating the entire City as an area in need of rehabilitation in accordance with *N.J.S.A. 40A:12A-14*; and

WHEREAS, pursuant to the provisions of *N.J.S.A. 40A:12A-7(e)* and *N.J.S.A. 40A:12A-15* of the Redevelopment Law, the Planning Board, through the City’s staff and/or Planning Board professionals, is permitted to prepare a rehabilitation plan; and

WHEREAS, the City is desirous of directing the Planning Board to prepare a rehabilitation plan in order to ensure the success of rehabilitation in conformity with the City’s objectives; and

WHEREAS, the City believes that the property located at 537-543 Broadway, which property is identified as Block 189, Lot 24 (the “**Property**”) on the City’s Tax Maps is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the City; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Administration has prepared a rehabilitation plan for the Property titled “Rehabilitation Plan 537-543 Broadway Block 189, Lot 24 (Mc Donald’s Plan)” dated May 17, 2017 (the “**Rehabilitation Plan**”); and

WHEREAS, the Planning Board reviewed the Rehabilitation Plan and, in accordance with the Redevelopment Law, on May 9, 2017, conducted a public hearing wherein the Planning Board identified that the Rehabilitation Plan is inconsistent with the Master Plan and recommended its concerns regarding those inconsistencies for the Municipal Council’s consideration; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7(d)* the Municipal Council may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the Master Plan by

affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan; and

WHEREAS, upon review of the Planning Board's Resolution and concerns relating to those inconsistencies of the Rehabilitation Plan with the Master Plan, for the reasons set forth in the Rehabilitation Plan, the Municipal Council believes that the adoption of the Rehabilitation Plan is in the best interest of the City for the redevelopment of the Property, and with the exception of the public street curb cut requirements on Broadway, the Rehabilitation Plan is otherwise consistent with the Master Plan; and

WHEREAS, the Municipal Council believes that the adoption of the Rehabilitation Plan is in the best interest of the City, provided that all conditions of approval are met, and that the redeveloper addresses any vehicular/pedestrian conflicts that this curb cut may cause.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, NEW JERSEY AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Rehabilitation Plan is hereby adopted by an affirmative vote of a majority of the full authorized membership of the Municipal Council with the reasons for so acting set forth in the Rehabilitation Plan pursuant to the terms of *N.J.S.A. 40A:12A-7(d)* of the Redevelopment Law. Further, the Rehabilitation Plan shall amend, replace and supersede any prior redevelopment plans with respect to the Property.

Section 3. The zoning district map in the zoning ordinance of the City is hereby amended to include the "Property" per the boundaries described in the Rehabilitation Plan and the provisions thereon.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. A copy of this Ordinance and the Rehabilitation Plan shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 6. This Ordinance shall take effect in accordance with all applicable laws.